

Animal and Plant Health Inspection Service**9 CFR Part 112**

[Docket No. 92-098-4]

Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule; confirmation of effective date.

SUMMARY: This document confirms that the final rule on the packaging and labeling of veterinary biological products becomes effective on August 19, 1995. Upon the effective date, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of product that are imported or that are prepared at licensed establishments.

After the effective date, veterinary biological products that have been repackaged before that date may continue to be distributed for further sale for a period of 6 months until February 19, 1996, to permit final distribution of repackaged biologics that remain in marketing channels. During the course of the six-month period, APHIS will be closely monitoring the availability of single-dose or individually-packaged products for use by non-veterinarians.

EFFECTIVE DATE: The effective date of the final rule published at 59 FR 43441 (August 24, 1994) and postponed at 60 FR 2876 (January 12, 1995) is confirmed as August 19, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD, 20737-1237, (301) 734-8245.

SUPPLEMENTARY INFORMATION: Under authority of the Virus-Serum-Toxin Act (21 U.S.C. 151-159), as amended by the Food Security Act of 1985, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, published a proposed rule on April 28, 1993 (58 FR 25786-25788, Docket No. 92-098-1) concerning repackaging and relabeling of veterinary biologics. During the 60-day comment period, thirty-nine comments were received. Thirty-six comments were in support of the rule; three were not. The final rule was published on August 24, 1994 (59 FR 43441-43445, Docket No. 92-098-2) with a 180-day transition period before the rule was scheduled to become effective on February 21, 1995. The purpose of the rule is to ensure that

products are not repackaged or relabeled after leaving a licensed establishment.

To allow additional time for arrangements to be made for the production of single-dose or individually-packaged biological products that would be in compliance with the provisions of the final rule, APHIS postponed the effective date of the rule an additional 180 days until August 19, 1995 (60 FR 2876-2877, Docket No. 92-098-3, January 12, 1995). Several manufacturers are currently producing such products for distributors for further sale to consumers.

This document provides notice to interested persons that the final rule on the repackaging and relabeling of veterinary biologics will take effect on August 19, 1995, as announced in the January 12, 1995, **Federal Register** notice.

After the August 19, 1995, effective date of the rule, veterinary biological products that have already been repackaged before that date may continue to be distributed for further sale for a period of 6 months until February 19, 1996, to permit final distribution of repackaged biologics in marketing channels. Distribution of products repackaged after August 19, 1995, would not be allowed.

During the course of the six-month transition period, APHIS will be closely monitoring the availability of single-dose products for use by non-veterinarians. APHIS is committed to ensuring the availability of single-dose products and will take whatever action may be necessary to assure that sufficient product is available for use by consumers.

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 19th day of July, 1995.

Terry Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-18227 Filed 7-21-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-NM-08-AD; Amendment 39-9304; AD 95-15-01]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped with Over-Wing Escape Slides

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes equipped with over-wing escape slides, that currently requires modification of the trailing edge panels and the aft flaps. That amendment was prompted by the results of functional tests of over-wing escape slides, which revealed that some slides were damaged when they were deployed across sharp corners on the trailing edge of the wing and the large gaps between the trailing edge panels of the wing. This amendment expands the applicability of the existing AD to include additional airplanes. The actions specified by this AD are intended to prevent damage to the over-wing escape slide, which could hinder inflation of the slide to a usable configuration during an emergency evacuation.

DATES: Effective August 24, 1995.

The incorporation by reference of Boeing Service Bulletin 767-57-0043, Revision 3, dated February 2, 1995, as listed in the regulations, is approved by the Director of the Federal Register as of August 24, 1995.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of January 31, 1994 (58 FR 69221, December 30, 1993).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorothy Lundy, Aerospace Engineer, ANM-120S, Airframe Branch, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1675; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93-25-06, amendment 39-8772 (58 FR 69221, December 30, 1993), which is applicable to certain Boeing Model 767 series airplanes equipped with over-wing escape slides, was published in the **Federal Register** on April 3, 1995 (60 FR

16817). That action proposed to continue to require modification of the trailing edge panels and the aft flaps. The action also proposed to revise the applicability of the existing rule to include additional airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requests that the FAA revise the term "serial numbers" to "line numbers" in paragraphs (a) and (b) of the proposal. The FAA concurs. The FAA has determined that the commenter's wording is more accurate, and has revised the final rule accordingly.

The commenter requests that the FAA revise paragraph (b) of the proposal to include Boeing Service Bulletin 767-57-0043, Revision 1, dated May 6, 1993, and Revision 2, dated September 16, 1993, as additional sources of service information. The commenter states that the modification procedures described in those revisions are identical to those described in Revision 3 of Boeing Service Bulletin 767-57-0043, dated February 2, 1995 [referenced in paragraph (b) of the proposal as the appropriate source of service information.] The FAA has reviewed Revision 1 and Revision 2 of Boeing Service Bulletin 767-57-0043 and has determined that the modification procedures described in those service bulletins are essentially identical to Revision 3 of the Boeing service bulletin. Revision 3 of the Boeing service bulletin only revises the effectivity listing to include additional airplanes. Therefore, the FAA has revised paragraph (b) of the final rule to reference Revision 1 and Revision 2 of Boeing Service Bulletin 767-57-0043 as additional sources of service information.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 542 Model 767 series airplanes equipped with over-wing escape slides of the affected design in the worldwide fleet. The FAA estimates that 178 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour.

Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$427,200, or \$2,400 per airplane.

However, approximately 166 U.S.-registered airplanes previously were required by AD 93-25-06 to accomplish the subject modification. This AD will affect only 12 additional U.S.-registered airplanes. Therefore, the cost to modify these 12 newly added airplanes is estimated to be \$28,800, or \$2,400 per airplane.

The total cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8772 (58 FR 69221, December 30, 1993), and by adding a new airworthiness directive (AD), amendment 39-9304, to read as follows:

95-15-01 Boeing: Amendment 39-9304. Docket 95-NM-08-AD. Supersedes AD 93-25-06, Amendment 39-8772.

Applicability: Model 767 series airplanes, having line positions 1 through 542 inclusive, and equipped with over-wing escape slides; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the over-wing escape slide, which could hinder inflation of the slide to a usable configuration during an emergency evacuation, accomplish the following:

(a) For airplanes having line numbers 1 through 476 inclusive: Within 15 months after January 31, 1994 (the effective date of AD 93-25-06, amendment 39-8772), modify the trailing edge panels and the aft flaps, in accordance with Boeing Service Bulletin 767-57-0043, Revision 1, dated May 6, 1993; Revision 2, dated September 16, 1993; or Revision 3, dated February 2, 1995.

(b) For airplanes having line numbers 477 through 542 inclusive: Within 15 months after the effective date of this AD, modify the trailing edge panels and the aft flaps, in accordance with Boeing Service Bulletin 767-57-0043, Revision 1, dated May 6, 1993; Revision 2, dated September 16, 1993; or Revision 3, dated February 2, 1995.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The modifications shall be done in accordance with Boeing Service Bulletin 767-57-0043, Revision 1, dated May 6, 1993; Boeing Service Bulletin 767-57-0043, Revision 2, dated September 16, 1993; or Boeing Service Bulletin 767-57-0043, Revision 3, dated February 2, 1995; as applicable. The incorporation by reference of Boeing Service Bulletin 767-57-0043, Revision 3, dated February 2, 1995, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of the remainder of the service documents listed above was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of January 31, 1994 (58 FR 69221, December 30, 1993). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 24, 1995.

Issued in Renton, Washington, on July 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-17031 Filed 7-24-95; 8:45 am]
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14 CFR Part 73

[Airspace Docket No. 95-AGL-3]

Change Time of Designation for Restricted Areas R-6903 Sheboygan, R-6904A and R-6904B, Volk Field; WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action reduces the time of designation for Restricted Areas R-6903, Sheboygan, R-6904A, and R-6904B, Volk Field; WI. The Department of the Air Force has reviewed current requirements for these areas and determined that the current designated times may be reduced. This action increases the availability of restricted airspace for public use.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Jim Robinson, Military Operations Program

Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 493-4050.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to part 73 of the Federal Aviation Regulations amends the time of designation for Restricted Areas R-6903, R-6904A, and R-6904B. The time of designation for R-6903 is reduced from "Continuous, sunrise to sunset," to "Intermittent by NOTAM." The time of designation for R-6904A and R-6904B is reduced from "Sunrise to 1900 local time, other times by NOTAM," to "0800-1600 local time, Tuesday through Saturday, other times by NOTAM." I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 73.69 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8B dated March 9, 1994.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The action reduces the restricted areas time of designation. In accordance with FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," this action is not subject to environmental assessments and procedures and the National Environmental Policy Act.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 73.69 [Amended]

2. Section 73.69 is amended as follows:

R-6903 Sheboygan, WI [Amended]

By removing the existing "Time of designation. Continuous, sunrise to sunset." and substituting the following: "Time of designation. Intermittent by NOTAM."

R-6904A Volk Field, WI [Amended]

By removing the existing "Time of designation. Sunrise to 1900 local time. Other times by NOTAM." and substituting the following: "Time of designation. 0800-1600 local time, Tuesday through Saturday. Other times by NOTAM."

R-6904B Volk Field, WI [Amended]

By removing the existing "Time of designation. Sunrise to 1900 local time. Other times by NOTAM." and substituting the following: "Time of designation. 0800-1600 local time, Tuesday through Saturday. Other times by NOTAM."

Issued in Washington, DC, on July 12, 1995.

Nancy B. Kalinowski,

Acting Manager, Airspace—Rules and Aeronautical Information Division.
[FR Doc. 95-17902 Filed 7-24-95; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH-235; Amendment Number 70R]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The